SINGLE BENCH

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

W.P. No. 5262 /06

PETITIONER : **Purushhottam Nayak,**
S/o Late Shri Khemnath Nayak
Aged about 60Yrs.
Upper Division Teacher,
Presently posted at,
Govt. Girls Middle School,
Kodhatarai, Block Pusoor,
District Raigarh (C.G.)

R.R. No. 5305/06
Presented by Shri Manish Sharma
dated 21/9/06

VERSUS

RESPONDENT :

1. **State of C.G.**
   Through : Secretary,
   School Education Department,
   D.K.S. Bhawan,
   Raipur (C.G.)

2. **District Education Officer ,**
   District Raigarh (C.G.)

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT, WRITS, ORDER, DIRECTIONS ETC.

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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : Hon'ble Mr. Satish K. Agnihotri, J.

W. P. (s) No. 5262 of 2006

Petitioner : Purushhottam Nayak

versus

Respondents : State of Chhattisgarh & others

Shri Manish Sharma, counsel for the petitioner.
Shri Anju Ahuja, Dy. Govt. Advocate for the State/respondents.

ORDER

(Passed on 4th October, 2006)

1. Learned counsel for the petitioner submits that the petitioner was working as Upper Division Teacher in Government Girls Middle School, Kodhatarai, Block Pusoor, District Raigarh.

2. By the impugned order dated 18.8.2006 (Annexure P/1), the petitioner has been transferred as Assistant Teacher at Janpad Primary School Kirda, Jijaipur, Janjgir Champa.

3. The sole contention of learned counsel appearing for the petitioner is that the petitioner has been transferred to lower post of Assistant Teacher when he was admittedly working as Upper Division Teacher. By virtue of the order dated 29.1.2006 (Annexure P/2), the petitioner, in this petition, has prayed for two-fold reliefs, one is quashing of

the impugned transfer order dated 18.8.2006 (Annexure P/1) and second is seeking a direction against the respondent No. 1 to allow the petitioner to perform his duties as Upper Division Teacher at the old place of posting.

4. So far as the impugned transfer order dated 18.8.2006 is concerned, the petitioner has not made out a case that the impugned transfer order passed is mala fide or the transfer order was passed by incompetent authority or there is no violation of any statutory rules, circulars etc. or the same is arbitrary.

5. Learned counsel appearing for the petitioner relies on the transfer policy dated 26th May, 2006 (Annexure P/3) and submits that there was a ban on transfers. Learned counsel has completely ignored Clause-3 of the transfer policy, which clearly indicates that in case of administrative exigency, the transfer of an employee can be made in co-ordination with the Chief Minister. The impugned transfer order is endorsed to the office of the Chief Minister, which clearly indicates that the impugned transfer was passed in co-ordination with the Chief Minister. Learned counsel appearing for the State/respondents also supports this view. Thus, there is no reason to interfere with the transfer of the petitioner.

6. So far as the next submission with regard to work of the petitioner as Upper Division Teacher is concerned, the said issue cannot be decided in this petition. If it is so, the petitioner may make a representation, if so advised, to the higher authorities for placing him appropriately, keeping in view his status. In the event, the representation is made by the petitioner, the concerned authorities are directed to consider the same and pass appropriate order, in accordance with law, on its own merits, within a period of three weeks from the date of receipt of the representation.

7. As a result, this petition stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Bablu